

GENERAL DISCHARGE PERMIT  
PRODUCED WATER

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

AUTHORIZATION TO DISCHARGE UNDER THE  
MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Section 75-5-101 et seq., MCA, and ARM Title 17, Chapter 30, Subchapters 6, 7, 12, and 13, applicants with an authorization letter for this "Produced Water General Discharge Permit", are permitted to discharge wastewater resulting from oil/natural gas production wells to ephemeral drainage ways or holding ponds for the purpose of the prescribed beneficial use. Discharges are not authorized to state surface waters other than ephemeral drainages. The discharge for the beneficial use shall be in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective **March 1, 2002**.

A written authorization letter from the Department is required before an applicant is authorized to discharge under the Produced Water-General Discharge Permit.

This permit and the authorization to discharge shall expire at midnight, **February 28, 2007**.

FOR THE MONTANA DEPARTMENT  
OF ENVIRONMENTAL QUALITY

/S/  
Thomas D. Reid, Supervisor  
Water Quality Discharge Permit Section  
Water Protection Bureau

Dated this 18 day of March, 2002

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
2. "Department" means the Montana Department of Environmental Quality.
3. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
4. "Instantaneous Maximum" is the maximum value allowable in any single sample or instantaneous measurement.
5. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
6. "Petroleum-related water cleanup" is groundwater or collected stormwater in contact with petroleum-related spills or leaking underground storage tanks that contain petroleum-related products.
7. "Produced Water" is the separated wastewater resulting from petroleum or natural gas producing wells not associated with coal bed methane development.
8. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
9. "Ephemeral Stream" means a stream or a part of a stream, which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and whose channel bottom is always above the local water table.
10. "Intermittent Stream" means a stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface run-off and groundwater discharge.

B. Effluent Limitations and Self-Monitoring Requirements

During the period beginning immediately and lasting through the duration of the permit, the permittee is authorized to discharge from the outfall(s) as specified in the authorization letter. Discharges at any location not authorized under an MPDES permit is a violation of the Montana Water Quality Act and could subject the person(s) responsible for such discharge to penalties under the Act. Knowingly discharging from an unauthorized

location or failing to report an unauthorized discharge within a reasonable time from first learning of an unauthorized discharge could subject such person to criminal penalties as provided under Section 75-5-632 of the Montana Water Quality Act.

The discharged water must be utilized for the beneficial use as prescribed in the permittee's beneficial use letter(s) submitted with the application. No discharge is authorized by this general permit to state surface waters other than ephemeral drainages. All discharges must be to ephemeral drainages or to holding ponds for the purpose of the beneficial use.

## 1. Final Wastewater Effluent Limitations

Effective immediately and lasting through the present permit cycle of five years, the quality of effluent discharged through the authorized outfalls shall, as a minimum, meet the limitations as set forth below in Table 1:

These limits have been established to ensure the beneficial use for wildlife or livestock watering and in accordance with water quality standards.

**TABLE 1: FINAL NUMERIC EFFLUENT LIMITATIONS**

Parameter	Concentration (mg/l) <sup>(1)</sup>	
	Average	Maximum
Total Dissolved Solids(TDS)	5,000	Not Applicable
Oil and Grease, total recoverable <sup>(2)</sup>	10	Not Applicable

<sup>(1)</sup> See the definitions in Part I.A. of the permit.

<sup>(2)</sup> Gravimetric extraction (EPA Method 413.1)

## 2. Self-Monitoring Requirements

The following monitoring (Table 2) shall be required of the permittee on a semiannual schedule. Results shall be reported to the Department according to the procedures in Part III of the permit.

**TABLE 2: EFFLUENT MONITORING REQUIREMENTS**

Parameter	Frequency	Type <sup>(1)</sup>
Effluent Flow Rate <sup>(2)</sup> , gpm	Semiannual	Instantaneous
Total Dissolved Solids (TDS), mg/L	Semiannual	Grab
Oil and Grease, mg/L <sup>(3)</sup>	Semiannual	Grab
Sulfate, mg/L	Semiannual	Grab

<sup>(1)</sup> See the definitions in Part I.A. of the permit.

<sup>(2)</sup> If no discharge occurs during the reporting period, "**no discharge**" shall be recorded on the DMR report form.

<sup>(3)</sup> Gravimetric extraction (EPA Method 413.1)

## II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

### A. Representative Sampling.

Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the wastewater prior to discharging from the permittee's property. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

### B. Monitoring Procedures.

Monitoring must be conducted according to test procedures approved under Part 136, Title 40 of the Code of Federal Regulations, unless other test procedures have been specified in this permit. All flow-measuring and flow-recording devices used in obtaining data submitted in self-monitoring reports must indicate values within 10 percent of the actual flow being measured.

### C. Penalties for Tampering.

The Montana Water Quality Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000, or by imprisonment for not more than six months, or both.

### D. Reporting of Monitoring Results.

Results of the self-monitoring shall be reported semiannually on the Discharge Monitoring Report form (EPA 3320-1) to the Department (see address below), postmarked no later than the 28th day of the month following the reporting period; the due date of the first semiannual report is July 28th and the second semiannual report is January 28th.

Montana Department of Environmental Quality  
Water Protection Bureau  
P.O. Box 200901  
Helena, Montana 59620-0901  
Phone: (406) 444-3080

### E. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using approved analytical methods as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

F. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The time analyses was initiated;
5. The initials or name(s) of individual(s) who performed the analyses;
6. References and written procedures, when available, for the analytical techniques or methods used; and,
7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

G. Retention of Records.

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of sample, measurement, report or application. This period may be extended by request of the Department at any time.

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall report any noncompliance, which may endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division at (406) 444-3080.
2. The following occurrences of noncompliance shall be reported by telephone to the Water Quality Division at (406) 444-3080 by the first workday (8:00 A.M.- 4:30 P.M. Mountain Time) following the day the permittee became aware of the circumstances any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;

- b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- 4. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, by phone, (406) 444-3080.
  - 5. Reports shall be submitted to the addresses in Part II.D., Reporting of Monitoring Results.

I. Other Noncompliance Reporting.

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. are submitted. The reports shall contain the information listed in Part II.H.3.

J. Inspection and Entry

The permittee shall allow the head of the Department or the Regional Administrator, or authorized representative thereof, upon the presentation of credentials and other documents as may be required by law, to:

- 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
- 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance, any substances or parameters at any location.

### III. COMPLIANCE RESPONSIBILITIES

#### A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity, which may result in permit noncompliance.

#### B. Penalties for Violations of Permit Conditions. The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to a civil penalty not to exceed \$25,000 per day or one year in prison, or both, for the first conviction, and \$50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions. Except as provided in permit conditions on Part III.G., Bypass of Treatment Facilities, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

#### C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#### D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

#### E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

#### F. Removed Substances

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard.



G. Bypass of Treatment Facilities:

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. and 3. of this section.
2. Notice:
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I., Twenty-four Hour Reporting.
3. Prohibition of bypass.
  - a. Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass, unless:
    - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
    - (3) The permittee submitted notices as required under paragraph 2. of this section.
  - b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

#### IV. GENERAL REQUIREMENTS

A. Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants, which are not subject to effluent limitations in the permit.

B. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

C. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application form and fee should be submitted at least 180 days before the expiration date of this permit.

E. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information.

G. Signatory Requirements

All applications, reports or information submitted to the Department shall be signed and certified.

1. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
  - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Department, and,
  - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.G.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those

persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Penalties for Falsification of Reports

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than six months per violation, or both.

I. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by the Clean Water Act, permit applications, permits and effluent data shall not be considered confidential.

J. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

K. Property Rights or Water Rights

The issuance of this permit does not convey any property or water rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

The permittee and adjacent landowner using produced water must comply with applicable water rights statutes under MCA, 85-2-306, before any beneficial water use commences. Information and assistance on the water rights statutes can be obtained from the Department of Natural Resources and Conservation, Water Resources Division at (406) 444-6601.

L. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. Transfers

This permit can not be transferred to a new permittee. A new owner or operator of a facility must apply according to the application procedures in Part IV.D of this permit 30 days prior to taking responsibility for the facility.

N. Fees. The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, the Department may:

1. Impose an additional assessment consisting of 15% of the fee plus interest on the required fee computed at the rate established under 15-31-510(3), MCA, or
2. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this sub-section. Suspensions are limited to one year, after which the permit will be terminated.

O. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards:

The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.

2. Wasteload Allocation:

A wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.

3. Water Quality Management Plan:

A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

V. SPECIAL REQUIREMENTS

- A. Authorization Letter. A written authorization letter from the Department is required before an applicant is authorized to discharge under the Produced Water General Discharge Permit.
- B. The following prerequisites must be met before an applicant can be authorized to discharge under the PW-GDP:
1. The applicant must submit a current beneficial use letter from the adjacent surface landowner(s) stating the discharged produced water will be used for wildlife or livestock watering. Irrigation with produced water to agricultural fields or rangeland is not considered a beneficial use of produced water.
  2. A map showing the latitude and longitude to the nearest 15 seconds of the discharge, and the name of the receiving water.
  3. A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under (4) below. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined, the applicant may provide instead a pictorial description of the nature and amount of any sources of water and any collection and treatment measures. Also include the location of all discharge points and sampling points (locate each discharge point by township, range, section and  $\frac{1}{4}$  section). Attach a topographical map.
  4. A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and stormwater runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Processes, operations, or production areas may be described in general terms.
  5. If any of the expected discharges will be intermittent or seasonal, a description of the frequency, duration, and maximum daily flow rate of each discharge occurrence is required.

6. The applicant must submit a chemical analysis of the proposed discharge as specified in Table 3 below. The application may be denied if the analysis indicates the water is not fit for livestock or wildlife consumption as per the maximum recommended concentrations listed below.

**TABLE 3: APPLICATION MONITORING REQUIREMENTS**

Parameter	Type <sup>(1)</sup>	Recommended Maximum Levels	Required Detection Level
Effluent Flow Rate, gpm	Instantaneous	--	--
Total Dissolved Solids (TDS), mg/L	Grab	7,000	5 mg/L
Total Suspended Solids (TSS), mg/l	Grab	None	--
Specific Conductance, umhos/cm	Grab	3,000 <sup>(2)</sup>	5 umhos/cm
pH, standard units	Grab	6–9	0.1 standard units
Oil and Grease, mg/L <sup>(6)</sup>	Grab	10-15	1 mg/L
Total Alkalinity, mg/L	Grab	2,000 <sup>(2)</sup>	1 mg/L as CaCO <sub>3</sub>
Bicarbonate, mg/L	Grab	1,000 <sup>(2)</sup>	1 mg/L
Calcium, mg/L	Grab	1,000 <sup>(2)</sup>	1 mg/L
Chloride, mg/L	Grab	1,000 <sup>(2)</sup>	5 mg/L
Nitrate (NO <sub>3</sub> +NO <sub>2</sub> ), mg/L	Grab	100-300 <sup>(3)</sup>	0.01 mg/L
Potassium, mg/L	Grab	20 <sup>(2)</sup>	1 mg/L
Radium 226 228, and 222, picocuries/L	Grab	1 pCi/L <sup>(2)</sup>	0.2 pCi/L
Sodium, mg/L	Grab	800 <sup>(2)</sup>	1 mg/L
Sulfate, mg/L	Grab	250-2500 <sup>(4)(5)</sup>	10 mg/L
Arsenic, total recoverable, mg/L	Grab	0.2-0.5 <sup>(2)</sup>	0.003 mg/L
Beryllium, total recoverable, mg/L	Grab	1 <sup>(2)</sup>	0.001 mg/L
Lead, total recoverable, mg/L	Grab	0.1 <sup>(2)</sup>	0.003 mg/L
Magnesium, total recoverable, mg/L	Grab	250 <sup>(2)</sup>	1 mg/L
Selenium, total recoverable, mg/L	Grab	0.05 <sup>(2)</sup>	1 mg/L
Sodium Adsorption Ratio (SAR)	Calculated	None	--

(1) See the definitions in Part I.A. of the permit.

(2) Puls, 1988

(3) Meyer, 1990

(4) This limit may vary based on other parameters present such as elemental sulfur and the amount of sulfate ingested with feed.

(5) Veenhuizen, 1992

(6) Gravimetric extraction (EPA Method 413.1)

7. The proposed discharge will be to dry (ephemeral) drainages or to holding ponds for the purpose of the beneficial use. No discharge can be authorized by this general permit to state surface waters.
8. The proposed discharge is "produced water" as defined in the definition section of the permit.

9. The proposed discharge outfall structures must be designed to prevent erosion and instream flows shall not cause an increase in erosion due to high volumes of water. If high flows are anticipated (greater than 25 gpm) a stream bed survey may be required prior to discharge and annually thereafter to document compliance with the provisions of the permit.
10. Deposition of produced water in impoundments shall not cause excessive salinity of underlying soils. If a high salt content (soil salinity as measured by electrical conductivity (EC) greater than 20 millimhos/cm) is anticipated in impoundment sediments a reclamation plan may be required to insure the land is returned to its previous utility and stability.
11. The proposed discharge shall not adversely effect the quantity or quality of potable ground water.